

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

EDDIE L. FORD,

Plaintiff,

No. CV-09-3108-LRS

V.

PLAINTIFF'S COUNTER STATEMENT OF FACTS

CITY OF YAKIMA:

LIEUTENANT N. WENTZ; and

OFFICER R. URLACHER;

Defendants.

The Plaintiff by reference incorporates into this Counter Statement of Facts Plaintiff's Statement of Facts submitted for the Plaintiff's Motion for Summary Judgment. In addition the Plaintiff sets forth below those facts from the Defendant's Statement of Facts where there is an issue.

1 The below facts will use the same numbers as those set forth in the
2
3 Defendant's Statement of Facts.

4
5 **COUNTER STATEMENT OF FACTS**

6 2. Eddie Ford does not agree that his music was excessively loud.
7

8 11. The Plaintiff does not dispute that the quote taken from the
9
10 Deposition of Officer Urlacher is accurate. However, the Plaintiff's Statement
11
12 of Facts set forth the fact that Plaintiff was confused as to why the officer was
13
14 tailgating him and he simply stepped out of his car to ask the officer what was
15
16 going on. Ex. A, pages 5-8.

17 13. The Plaintiff did not park on the side of the road but in fact pulled
18
19 off of the road and into a small parking area (*see*, COBAN Police Video).
20

21 14. The Plaintiff did not exit his vehicle in a very uncivil manner. The
22
23 Plaintiff raised his voice but did not "yell".
24

25 21. Officer Urlacher made the decision that he was going to put hand
26
27 cuffs on the Plaintiff but he had not decided whether or not he was going to
28
29 give him a ticket and let him go or take him to jail and book him. Ex. B, 19:7-
30
31 16.
32
33
34

45. Officer Urlacher's testimony was simply self-serving.

DATED this 13th Day of January, 2011.

/s/ William D. Pickett

WILLIAM D. PICKETT, WSBA NO. 27867
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED at Yakima, Washington, this 13th day of January 2011.

By /s/ William D. Pickett
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